

OD-9

ORDER SHEET  
IN THE HIGH COURT AT CALCUTTA  
Testamentary and Intestate Jurisdiction  
ORIGINAL SIDE

PLA/364/2019

IN THE GOODS OF SUSOMA  
SHAW, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 13<sup>TH</sup> DECEMBER, 2022.

Appearance:  
Mr. Soumya Ray, Adv.  
Ms. Anwesha Saha, Adv.  
..for the petitioner

The Court: Counsel for the petitioner is present.

Counsel for the petitioner has filed the instant application for grant of probate with respect of the last Will and Testament executed by testatrix Susoma Shaw on 10<sup>th</sup> July, 2009. Susoma Shaw died on 13<sup>th</sup> July, 2013 leaving behind the petitioner herein, three daughters, one grandson and three grand-daughters. The husband of testatrix was pre deceased, died on 9<sup>th</sup> August, 2005. The eldest daughter of the testatrix Sandhya Shaw died on 10<sup>th</sup> November, 2006.

Counsel for the petitioner submits that all the legal heirs have filed affidavit of consent stating that they have no objection for grant of probate with respect of the Will to the petitioner. The petitioner has also filed the affidavit of one of the attesting witnesses namely Arun Kumar Gupta.

Counsel for the petitioner submits that there is no objection from any of the legal heirs and attesting witness who has already proved the Will and prayed for grant of probate.

Considered for the petition and perused the application, the original Will, death Certificate, affidavits filed by the legal heirs and the affidavits filed by the attesting witness. The attesting witness namely Arun Kumar Gupta in his affidavit categorically stated that he along with another witness namely Prasun Roy were present at the time of execution of the Will of the testatrix on 10<sup>th</sup> July, 2009 at the house of the deceased. He further stated that the testatrix had executed the Will in their presence on 10<sup>th</sup> July, 2009 while possessing the good health and fit state of mind.

After considering the submission made by the Counsel for the plaintiff and the documents mentioned above, this Court is of the view that the petitioner is able to prove the Will executed by the testatrix Susoma Shaw on 10<sup>th</sup> July, 2009 and there is no circumstances to suspect about the execution of the Will by the testatrix.

In view of the above, prayer (a) of the application is allowed subject to completion of all formalities. At the time of grant of probate the copy of the Will may be annexed as part of the probate.

PLA No. 364 of 2019 is disposed of.

(KRISHNA RAO, J.)